

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2064

Chapter 290, Laws of 2005

59th Legislature
2005 Regular Session

JUVENILE COURTS--JURISDICTION

EFFECTIVE DATE: 7/24/05

Passed by the House March 9, 2005
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 4, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2064** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 4, 2005 - 4:01 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2064

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives Roberts, McDonald, Darneille, Moeller, Ericks,
Lantz and McCune

Read first time 02/16/2005. Referred to Committee on Juvenile
Justice & Family Law.

1 AN ACT Relating to the date of the offense for the purposes of
2 automatic transfer of jurisdiction; and amending RCW 13.04.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.04.030 and 2000 c 135 s 2 are each amended to read
5 as follows:

6 (1) Except as provided in this section, the juvenile courts in this
7 state shall have exclusive original jurisdiction over all proceedings:

8 (a) Under the interstate compact on placement of children as
9 provided in chapter 26.34 RCW;

10 (b) Relating to children alleged or found to be dependent as
11 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

12 (c) Relating to the termination of a parent and child relationship
13 as provided in RCW 13.34.180 through 13.34.210;

14 (d) To approve or disapprove out-of-home placement as provided in
15 RCW 13.32A.170;

16 (e) Relating to juveniles alleged or found to have committed
17 offenses, traffic or civil infractions, or violations as provided in
18 RCW 13.40.020 through 13.40.230, unless:

1 (i) The juvenile court transfers jurisdiction of a particular
2 juvenile to adult criminal court pursuant to RCW 13.40.110;

3 (ii) The statute of limitations applicable to adult prosecution for
4 the offense, traffic or civil infraction, or violation has expired;

5 (iii) The alleged offense or infraction is a traffic, fish,
6 boating, or game offense, or traffic or civil infraction committed by
7 a juvenile sixteen years of age or older and would, if committed by an
8 adult, be tried or heard in a court of limited jurisdiction, in which
9 instance the appropriate court of limited jurisdiction shall have
10 jurisdiction over the alleged offense or infraction, and no guardian ad
11 litem is required in any such proceeding due to the juvenile's age:
12 PROVIDED, That if such an alleged offense or infraction and an alleged
13 offense or infraction subject to juvenile court jurisdiction arise out
14 of the same event or incident, the juvenile court may have jurisdiction
15 of both matters: PROVIDED FURTHER, That the jurisdiction under this
16 subsection does not constitute "transfer" or a "decline" for purposes
17 of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER,
18 That courts of limited jurisdiction which confine juveniles for an
19 alleged offense or infraction may place juveniles in juvenile detention
20 facilities under an agreement with the officials responsible for the
21 administration of the juvenile detention facility in RCW 13.04.035 and
22 13.20.060;

23 (iv) The alleged offense is a traffic or civil infraction, a
24 violation of compulsory school attendance provisions under chapter
25 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has
26 assumed concurrent jurisdiction over those offenses as provided in RCW
27 13.04.0301; or

28 (v) The juvenile is sixteen or seventeen years old on the date the
29 alleged offense is committed and the alleged offense is:

30 (A) A serious violent offense as defined in RCW 9.94A.030;

31 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile
32 has a criminal history consisting of: (I) One or more prior serious
33 violent offenses; (II) two or more prior violent offenses; or (III)
34 three or more of any combination of the following offenses: Any class
35 A felony, any class B felony, vehicular assault, or manslaughter in the
36 second degree, all of which must have been committed after the
37 juvenile's thirteenth birthday and prosecuted separately;

1 (C) Robbery in the first degree, rape of a child in the first
2 degree, or drive-by shooting, committed on or after July 1, 1997;

3 (D) Burglary in the first degree committed on or after July 1,
4 1997, and the juvenile has a criminal history consisting of one or more
5 prior felony or misdemeanor offenses; or

6 (E) Any violent offense as defined in RCW 9.94A.030 committed on or
7 after July 1, 1997, and the juvenile is alleged to have been armed with
8 a firearm.

9 In such a case the adult criminal court shall have exclusive
10 original jurisdiction.

11 If the juvenile challenges the state's determination of the
12 juvenile's criminal history under (e)(v) of this subsection, the state
13 may establish the offender's criminal history by a preponderance of the
14 evidence. If the criminal history consists of adjudications entered
15 upon a plea of guilty, the state shall not bear a burden of
16 establishing the knowing and voluntariness of the plea;

17 (f) Under the interstate compact on juveniles as provided in
18 chapter 13.24 RCW;

19 (g) Relating to termination of a diversion agreement under RCW
20 13.40.080, including a proceeding in which the divertee has attained
21 eighteen years of age;

22 (h) Relating to court validation of a voluntary consent to an out-
23 of-home placement under chapter 13.34 RCW, by the parent or Indian
24 custodian of an Indian child, except if the parent or Indian custodian
25 and child are residents of or domiciled within the boundaries of a
26 federally recognized Indian reservation over which the tribe exercises
27 exclusive jurisdiction;

28 (i) Relating to petitions to compel disclosure of information filed
29 by the department of social and health services pursuant to RCW
30 74.13.042; and

31 (j) Relating to judicial determinations and permanency planning
32 hearings involving developmentally disabled children who have been
33 placed in out-of-home care pursuant to a voluntary placement agreement
34 between the child's parent, guardian, or legal custodian and the
35 department of social and health services.

36 (2) The family court shall have concurrent original jurisdiction
37 with the juvenile court over all proceedings under this section if the

1 superior court judges of a county authorize concurrent jurisdiction as
2 provided in RCW 26.12.010.

3 (3) The juvenile court shall have concurrent original jurisdiction
4 with the family court over child custody proceedings under chapter
5 26.10 RCW as provided for in RCW 13.34.155.

6 (4) A juvenile subject to adult superior court jurisdiction under
7 subsection (1)(e)(i) through (v) of this section, who is detained
8 pending trial, may be detained in a detention facility as defined in
9 RCW 13.40.020 pending sentencing or a dismissal.

Passed by the House March 9, 2005.

Passed by the Senate April 13, 2005.

Approved by the Governor May 4, 2005.

Filed in Office of Secretary of State May 4, 2005.